

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:16-cv-01355-TJK**

AMERICAN CENTER FOR LAW AND JUSTICE v. UNITED  
STATES DEPARTMENT OF STATE  
Assigned to: Judge Timothy J. Kelly  
Cause: 05:552 Freedom of Information Act

Date Filed: 06/28/2016  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**AMERICAN CENTER FOR LAW  
AND JUSTICE**

represented by **Abigail A. Southerland**  
AMERICAN CENTER FOR LAW &  
JUSTICE  
625 Bakers Bridge Avenue  
Suite 105-121  
Franklin, TN 37067  
(800) 296-4529  
Fax: (202) 546-9309  
Email: [asoutherland@aclj.org](mailto:asoutherland@aclj.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Jay Alan Sekulow**  
AMERICAN CENTER FOR LAW &  
JUSTICE  
201 Maryland Avenue NE  
Washington, DC 20002  
(202) 546-8890  
Fax: (202) 546-9309  
Email: [sekulow@aclj.org](mailto:sekulow@aclj.org)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Stuart J. Roth**  
AMERICAN CENTER FOR LAW &  
JUSTICE  
201 Maryland Avenue NE  
Washington, DC 20002  
(202) 546-8890  
Fax: (202) 546-9309  
Email: [stuartroth1@gmail.com](mailto:stuartroth1@gmail.com)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Benjamin Paul Sisney**  
AMERICAN CENTER FOR LAW &  
JUSTICE  
201 Maryland Avenue NE  
Washington, DC 20002  
(202) 546-8890  
Fax: (202) 546-9309  
Email: [bsisney@aclj.org](mailto:bsisney@aclj.org)  
**ATTORNEY TO BE NOTICED**

**Craig L. Parshall**  
AMERICAN CENTER FOR LAW &  
JUSTICE  
201 Maryland Avenue NE  
Washington, DC 20002  
(202) 546-8890  
Fax: (202) 546-9309

Email: [parshallpolicy@gmail.com](mailto:parshallpolicy@gmail.com)*PRO HAC VICE**ATTORNEY TO BE NOTICED***Colby Mims May**

AMERICAN CENTER FOR LAW &amp; JUSTICE

201 Maryland Avenue NE

Washington, DC 20002

(202) 546-8890

Fax: (202) 546-9309

Email: [cmmay@aclj-dc.org](mailto:cmmay@aclj-dc.org)*ATTORNEY TO BE NOTICED*

V.

**Defendant****UNITED STATES DEPARTMENT  
OF STATE***The Executive Office, Office of the Legal  
Adviser*represented by **Cesar A. Lopez-Morales**

U.S. DEPARTMENT OF JUSTICE

Civil Division, Federal Programs Branch

1100 L Street, NW

Washington, DC 20530

(202) 305-8550

Fax: (202) 616-8460

Email: [cesar.a.lopez-morales@usdoj.gov](mailto:cesar.a.lopez-morales@usdoj.gov)*LEAD ATTORNEY**ATTORNEY TO BE NOTICED***Deepthy Kishore**

U.S. DEPARTMENT OF JUSTICE

Civil Division, Federal Programs Branch

P.O. Box 883

Washington, DC 20530

(202) 616-4448

Fax: (202) 616-8470

Email: [deepthy.c.kishore@usdoj.gov](mailto:deepthy.c.kishore@usdoj.gov)*TERMINATED: 06/30/2017*

Date Filed	#	Docket Text
06/28/2016	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF STATE ( Filing fee \$ 400 receipt number 0090-4583826) filed by AMERICAN CENTER FOR LAW AND JUSTICE. (Attachments: # <u>1</u> Exhibit FOIA Request, # <u>2</u> Exhibit State Department FOIA Request Response)(May, Colby) (Entered: 06/28/2016)
06/28/2016	<u>2</u>	CIVIL COVER SHEET by AMERICAN CENTER FOR LAW AND JUSTICE filed by AMERICAN CENTER FOR LAW AND JUSTICE.(May, Colby) (Entered: 06/28/2016)
06/28/2016	<u>3</u>	REQUEST FOR SUMMONS TO ISSUE filed by AMERICAN CENTER FOR LAW AND JUSTICE.(May, Colby) (Entered: 06/28/2016)
06/28/2016	<u>4</u>	REQUEST FOR SUMMONS TO ISSUE filed by AMERICAN CENTER FOR LAW AND JUSTICE.(May, Colby) (Entered: 06/28/2016)
06/28/2016	<u>5</u>	REQUEST FOR SUMMONS TO ISSUE filed by AMERICAN CENTER FOR LAW AND JUSTICE.(May, Colby) (Entered: 06/28/2016)
06/28/2016	<u>6</u>	NOTICE of Appearance by Colby Mims May on behalf of AMERICAN CENTER FOR LAW AND JUSTICE (May, Colby) (Entered: 06/28/2016)
06/28/2016	<u>7</u>	NOTICE of Appearance by Colby Mims May on behalf of AMERICAN CENTER FOR LAW AND JUSTICE (May, Colby) (Entered: 06/28/2016)

06/28/2016	<u>8</u>	NOTICE of Appearance by Colby Mims May on behalf of AMERICAN CENTER FOR LAW AND JUSTICE (May, Colby) (Entered: 06/28/2016)
06/28/2016	<u>9</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Benjamin Paul Sisney, :Firm– American Center For Law & Justice, :Address– 201 Maryland Avenue, NE, Washington, DC 20002. Phone No. – 202–546–8890. Fax No. – 202–546–9309 Filing fee \$ 100, receipt number 0090–4583944. Fee Status: Fee Paid. by AMERICAN CENTER FOR LAW AND JUSTICE (May, Colby) (Entered: 06/28/2016)
06/28/2016	<u>10</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Craig Littleton Parshall, :Firm– American Center For Law & Justice, :Address– 201 Maryland Avenue, NE, Washington, DC 20002. Phone No. – 202–546–8890. Fax No. – 202–546–9309 Filing fee \$ 100, receipt number 0090–4583972. Fee Status: Fee Paid. by AMERICAN CENTER FOR LAW AND JUSTICE (May, Colby) (Entered: 06/28/2016)
06/28/2016	<u>11</u>	NOTICE of Appearance by Colby Mims May on behalf of AMERICAN CENTER FOR LAW AND JUSTICE (May, Colby) (Entered: 06/28/2016)
06/28/2016		Case Assigned to Judge Rudolph Contreras. (md) (Entered: 06/28/2016)
06/29/2016	<u>12</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF STATE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Consent Form)(sb) (Entered: 06/29/2016)
07/05/2016		MINUTE ORDER granting <u>2</u> <u>10</u> Motions for Leave to Appear <i>Pro Hac Vice</i> : Pursuant to Local Civil Rule 83.2, it is hereby ORDERED that Benjamin Paul Sisney and Craig Littleton Parshall are admitted to represent Plaintiff <i>pro hac vice</i> in this case. SO ORDERED. Signed by Judge Rudolph Contreras on 7/5/2016. (lcrc3) (Entered: 07/05/2016)
08/05/2016	<u>13</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 8/3/2016. Answer due for ALL FEDERAL DEFENDANTS by 9/2/2016. (May, Colby) (Entered: 08/05/2016)
08/05/2016	<u>14</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 08/03/2016. (May, Colby) (Entered: 08/05/2016)
08/05/2016	<u>15</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES DEPARTMENT OF STATE served on 8/3/2016 (May, Colby) (Entered: 08/05/2016)
09/02/2016	<u>16</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN CENTER FOR LAW AND JUSTICE (Sekulow, Jay) (Entered: 09/02/2016)
09/02/2016	<u>17</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF STATE.(Kishore, Deepthy) (Entered: 09/02/2016)
09/12/2016		MINUTE ORDER: It is hereby ORDERED that the parties shall meet, confer, and submit a proposed briefing schedule on or before September 27, 2016. SO ORDERED. Signed by Judge Rudolph Contreras on 9/12/2016. (lcrc3) (Entered: 09/12/2016)
09/27/2016	<u>18</u>	Joint STATUS REPORT and Plaintiff's Proposed Briefing Schedule by AMERICAN CENTER FOR LAW AND JUSTICE. (Sekulow, Jay) (Entered: 09/27/2016)
09/28/2016		MINUTE ORDER: Upon consideration of <u>18</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall meet, confer, and submit a joint status report on or before November 11, 2016. SO ORDERED. Signed by Judge Rudolph Contreras on 9/28/2016. (lcrc3) (Entered: 09/28/2016)
09/29/2016		Set/Reset Deadlines: Status Report due by 11/11/2016 (tj) (Entered: 09/29/2016)
11/11/2016	<u>19</u>	Joint STATUS REPORT by AMERICAN CENTER FOR LAW AND JUSTICE. (Sekulow, Jay) (Entered: 11/11/2016)

11/14/2016		MINUTE ORDER: Upon consideration of <u>19</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall meet, confer, and submit a joint status report on or before December 13, 2016. SO ORDERED. Signed by Judge Rudolph Contreras on 11/14/2016. (lcrc3) (Entered: 11/14/2016)
12/13/2016	<u>20</u>	Joint STATUS REPORT <i>of the parties</i> by AMERICAN CENTER FOR LAW AND JUSTICE. (Sekulow, Jay) (Entered: 12/13/2016)
12/13/2016		MINUTE ORDER: Upon consideration of <u>20</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall meet, confer, and submit a joint status report on or before January 18, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on 12/13/2016. (lcrc3) (Entered: 12/13/2016)
01/18/2017	<u>21</u>	Joint STATUS REPORT by AMERICAN CENTER FOR LAW AND JUSTICE. (Sekulow, Jay) (Entered: 01/18/2017)
01/18/2017		MINUTE ORDER: Upon consideration of <u>21</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall meet, confer, and submit a joint status report on or before February 17, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on 1/18/2017. (lcrc3) (Entered: 01/18/2017)
02/17/2017	<u>22</u>	Joint STATUS REPORT by AMERICAN CENTER FOR LAW AND JUSTICE. (Sekulow, Jay) (Entered: 02/17/2017)
02/17/2017		MINUTE ORDER: Upon consideration of <u>22</u> the parties' Joint Status Report, it is hereby ORDERED that the parties shall meet, confer, and submit a joint status report on or before April 14, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on 2/17/2017. (lcrc3) (Entered: 02/17/2017)
02/22/2017		Set/Reset Deadlines: Status Report due by 4/14/2017 (tj) (Entered: 02/22/2017)
04/12/2017	<u>23</u>	NOTICE of Appearance by Abigail A. Southerland on behalf of AMERICAN CENTER FOR LAW AND JUSTICE (Southerland, Abigail) (Entered: 04/12/2017)
04/14/2017	<u>24</u>	Joint STATUS REPORT by AMERICAN CENTER FOR LAW AND JUSTICE. (Southerland, Abigail) (Entered: 04/14/2017)
04/17/2017		MINUTE ORDER: Upon consideration of <u>24</u> parties' joint status report, it is HEREBY ORDERED that Plaintiff shall provide Defendant with a complete, written list of objections concerning information withheld from Plaintiff on or before April 21, 2017; it is FURTHER ORDERED that the parties shall meet, confer, and submit a joint status report and proposed briefing schedule on or before April 28, 2017. (So Ordered Judge Rudolph Contreras on 4/17/2017).(lcrc3) (Entered: 04/17/2017)
04/28/2017	<u>25</u>	Joint STATUS REPORT by AMERICAN CENTER FOR LAW AND JUSTICE. (Southerland, Abigail) (Entered: 04/28/2017)
05/01/2017		MINUTE ORDER: Upon consideration of <u>25</u> the parties' Joint Status Report, it is hereby ORDERED that Defendant shall file its motion for summary judgment on or before May 26, 2017; Plaintiff shall file its combined opposition to Defendant's motion for summary judgment and any cross-motion for summary judgment, which shall not exceed sixty (60) pages, on or before June 23, 2017; Defendant shall file its combined reply in support of its motion for summary judgment and opposition to any cross-motion on or before July 21, 2017; and Plaintiff shall file its reply, if any, in support of its cross-motion for summary judgment on or before August 4, 2017. SO ORDERED. Signed by Judge Rudolph Contreras on 5/1/2017. (lcrc3) (Entered: 05/01/2017)
05/03/2017		Set/Reset Deadlines: Cross Motions due by 7/23/2017. Response to Cross Motions due by 7/21/2017. Reply to Cross Motions due by 8/4/2017. Summary Judgment motions due by 5/26/2017. Response to Motion for Summary Judgment due by 6/23/2017. Reply to Motion for Summary Judgment due by 7/21/2017. (tj) (Entered: 05/03/2017)
05/26/2017	<u>26</u>	MOTION for Summary Judgment <i>and Memorandum of Points and Authorities in Support of Motion, and Statement of Material Facts</i> by UNITED STATES DEPARTMENT OF STATE (Attachments: # <u>1</u> Letter from Abigail A. Southerland (Exhibit A), # <u>2</u> Declaration of Eric F. Stein (Exhibit B), # <u>3</u> Vaughn Index (Exhibit C), # <u>4</u> Text of Proposed Order)(Kishore, Deepthy) (Entered: 05/26/2017)

06/23/2017	<u>27</u>	MOTION for Summary Judgment <i>and Memorandum in Opposition to Defendant's Motion for Summary Judgment</i> by AMERICAN CENTER FOR LAW AND JUSTICE (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Text of Proposed Order)(Southerland, Abigail) (Entered: 06/23/2017)
06/23/2017	28	Memorandum in opposition to re <u>26</u> MOTION for Summary Judgment filed by AMERICAN CENTER FOR LAW AND JUSTICE. (See Docket Entry <u>27</u> to view document). (znmw) (Entered: 06/26/2017)
06/30/2017	<u>29</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Cesar A. Lopez–Morales on behalf of UNITED STATES DEPARTMENT OF STATE Substituting for attorney Deepthy Kishore (Lopez–Morales, Cesar) (Entered: 06/30/2017)
07/11/2017	<u>30</u>	Consent MOTION for Extension of Time to File Response/Reply <i>and to Modify Briefing Schedule</i> by UNITED STATES DEPARTMENT OF STATE (Attachments: # <u>1</u> Text of Proposed Order)(Lopez–Morales, Cesar) (Entered: 07/11/2017)
07/11/2017		MINUTE ORDER granting <u>30</u> Defendant's Consent Motion for Extension of Time. It is hereby ORDERED that Defendant shall file its combined reply in support of its motion for summary judgment and opposition to Plaintiff's cross–motion on or before August 4, 2017. It is FURTHER ORDERED that Plaintiff shall file its reply, if any, in support of its cross–motion on or before August 18, 2017. Signed by Judge Rudolph Contreras on 7/11/2017. (lcrc3) (Entered: 07/11/2017)
08/04/2017	<u>31</u>	Memorandum in opposition to re <u>27</u> MOTION for Summary Judgment <i>and Memorandum in Opposition to Defendant's Motion for Summary Judgment</i> filed by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit Letter of Discretionary Release, # <u>3</u> Exhibit Amended Vaughn Index, # <u>4</u> Exhibit Redacted Materials)(Lopez–Morales, Cesar) (Entered: 08/04/2017)
08/04/2017	<u>32</u>	REPLY to opposition to motion re <u>26</u> MOTION for Summary Judgment <i>and Memorandum of Points and Authorities in Support of Motion, and Statement of Material Facts</i> filed by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit Letter of Discretionary Release, # <u>3</u> Exhibit Amended Vaughn Index, # <u>4</u> Exhibit Redacted Materials)(Lopez–Morales, Cesar) (Entered: 08/04/2017)
08/18/2017	<u>33</u>	REPLY to opposition to motion re <u>27</u> MOTION for Summary Judgment <i>and Memorandum in Opposition to Defendant's Motion for Summary Judgment</i> filed by AMERICAN CENTER FOR LAW AND JUSTICE. (Southerland, Abigail) (Entered: 08/18/2017)
09/15/2017		Case directly reassigned to Judge Timothy J. Kelly. Judge Rudolph Contreras is no longer assigned to the case. (ztnr) (Entered: 09/15/2017)
09/10/2018	<u>34</u>	MEMORANDUM OPINION AND ORDER granting in part and denying in part Defendant's <u>26</u> Motion for Summary Judgment and denying Plaintiff's <u>27</u> Cross Motion for Summary Judgment. Defendant's revised Vaughn submission, additional affidavits, and renewed motion for summary judgment due by October 22, 2018. Plaintiff's opposition to Defendant's renewed motion and renewed cross–motion for summary judgment due by November 19, 2018. Defendants opposition to Plaintiff's renewed cross–motion and reply in support of its renewed motion due by December 17, 2018. Plaintiff's reply in support of its renewed cross–motion due by December 31, 2018. See Opinion and Order for details. Signed by Judge Timothy J. Kelly on 9/10/2018. (inttjk2) (Entered: 09/10/2018)
09/30/2018	<u>35</u>	NOTICE of Change of Address by Cesar A. Lopez–Morales (Lopez–Morales, Cesar) (Entered: 09/30/2018)
10/18/2018	<u>36</u>	Consent MOTION for Extension of Time to <i>File Renewed Motion for Summary Judgment and to Modify Briefing Schedule</i> by UNITED STATES DEPARTMENT OF STATE (Attachments: # <u>1</u> Text of Proposed Order)(Lopez–Morales, Cesar) (Entered: 10/18/2018)
10/18/2018		MINUTE ORDER granting Defendant's <u>36</u> Consent Motion for Extension of Time. It is hereby ORDERED that Defendant shall file its renewed motion for summary judgment, revised Vaughn index, and/or additional affidavits by October 25, 2018; Plaintiff shall file its opposition to Defendant's renewed motion and its renewed



		cross-motion for summary judgment by November 22, 2018; Defendant shall file its opposition to Plaintiff's renewed cross-motion and reply in support of its renewed motion by December 20, 2018; and Plaintiff shall file its reply in support of its renewed cross-motion by January 3, 2019. Signed by Judge Timothy J. Kelly on 10/18/2018. (lctjk1) (Entered: 10/18/2018)
10/25/2018	<u>37</u>	Second MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF STATE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration Third Declaration of Eric F. Stein and Revised Vaughn Submission, # <u>3</u> Exhibit 1 – Letter to Plaintiff, # <u>4</u> Exhibit 2– Document C06206248, # <u>5</u> Exhibit 3– Document C06189797, # <u>6</u> Exhibit 4– Document C06190112, # <u>7</u> Text of Proposed Order)(Lopez–Morales, Cesar) (Entered: 10/25/2018)
11/09/2018	<u>38</u>	MOTION to Stay re <u>37</u> Second MOTION for Summary Judgment by AMERICAN CENTER FOR LAW AND JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Southerland, Abigail) (Entered: 11/09/2018)
11/19/2018	<u>39</u>	Consent MOTION for Extension of Time to <i>Submit Opposition to Defendant's Rnewed Motion for Summary Judgment and file Cross–Motion</i> by AMERICAN CENTER FOR LAW AND JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Southerland, Abigail) (Entered: 11/19/2018)
11/19/2018		MINUTE ORDER granting Plaintiff's <u>39</u> Consent Motion for Extension of Time. It is hereby ORDERED that Plaintiff shall file its opposition to Defendant's <u>37</u> Second Motion for Summary Judgment and renewed cross-motion for summary judgment within 14 days of the Court's decision on Plaintiff's <u>38</u> Motion to Stay, unless the Court decides to stay summary judgment proceedings. Signed by Judge Timothy J. Kelly on 11/19/2018. (lctjk1) (Entered: 11/19/2018)
11/23/2018	<u>40</u>	RESPONSE re <u>38</u> MOTION to Stay re <u>37</u> Second MOTION for Summary Judgment filed by UNITED STATES DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Lopez–Morales, Cesar) (Entered: 11/23/2018)
11/30/2018	<u>41</u>	REPLY to opposition to motion re <u>38</u> MOTION to Stay re <u>37</u> Second MOTION for Summary Judgment filed by AMERICAN CENTER FOR LAW AND JUSTICE. (Southerland, Abigail) (Entered: 11/30/2018)
12/06/2018		MINUTE ORDER denying Plaintiff's <u>38</u> Motion to Stay. Upon review of the parties' submissions (ECF Nos. 38, 40, 41), the Court concludes in its discretion that a stay pending a decision by the D.C. Circuit in American Center for Law and Justice v. U.S. Department of Justice, Case No. 18–5309, is not warranted. Signed by Judge Timothy J. Kelly on 12/6/2018. (lctjk1) (Entered: 12/06/2018)
12/21/2018	<u>42</u>	Cross MOTION for Summary Judgment <i>and Memorandum in Opposition to Defendant's Renewed Motion for Summary Judgment</i> by AMERICAN CENTER FOR LAW AND JUSTICE (Attachments: # <u>1</u> Text of Proposed Order)(Southerland, Abigail) (Entered: 12/21/2018)
12/27/2018	<u>43</u>	Consent MOTION to Stay <i>Briefing Schedule Concerning Pending Renewed Cross–Motions for Summary Judgment In Light of Lapse of Appropriations</i> by UNITED STATES DEPARTMENT OF STATE (Attachments: # <u>1</u> Text of Proposed Order)(Lopez–Morales, Cesar) (Entered: 12/27/2018)